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# ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel  
6D15 HQ

EXTENSION

NO.

DATE

7 February

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDA

Attn:

FEB 1978

2:15 p.m.

*J*

Attached for your review are additional sections for Title I of the charter legislation which we have just received from the SSCI staff. Please note that "United States media organization" is now a defined term. In addition the definition for "cover" has been expanded. Section 131 on page 2 has been expanded and its provisions liberalized. The rest of the material concerns various restrictions on activities and on conflict of interest. I have noted where new language has been inserted and where other terminology has been changed or deleted. Please let me know immediately any comments you have on this material so we can transmit them to the SSCI as soon as possible this afternoon.

9.

10.

11.

12.

13.

14.

15.

Assistant Legislative Counsel

*Advised  2/7/78*  
*that DDA had no*  
*comments on these*  
*changes.*

( ) The term "United States media organization" means any organization publishing on a regular basis for public dissemination any newspaper, magazine, journal, or other periodical publication, any news services, any radio or television network or station, or any organization producing and distributing films or video or audio tapes, if a substantial part of such organization is owned by one or more United States persons, the principal place of business of such organization is in the United States, or the principal distribution of such organization is in the United States. SUCH TERM DOES NOT INCLUDE ANY ORGANIZATION CONTROLLED OR DIRECTED BY A GOVERNMENT OF A FOREIGN COUNTRY.

( ) The term "cover"--

(A) when used in connection with the CIA refers to any means by which the true identity or affiliation with the CIA of any activity, officer, employee, or agent of the CIA, or of a related corporation or organization, is disguised or concealed;

(B) when used in connection with the FBI, refers to any means by which the true identity or affiliation with the FBI of any activity, officer, employee, or agent of the FBI is disguised or concealed; and

(C) when used in connection with the NSA, refers to any means by which the true identity or affiliation with the NSA or the Department of Defense of any activity, officer, employee, or agent of the NSA is disguised or concealed.

Sec. 131.

(j) No department or agency other than (1) the Central Intelligence Agency, and (2) the armed forces of the United States during any period of war declared by the Congress may conduct any special activity. Notwithstanding the foregoing sentence, any department or agency may provide support for any approved special activity conducted by the Central Intelligence Agency or the armed forces, as the case may be, if the President finds that the Central Intelligence Agency or, during a period of war declared by the Congress, the armed forces of the United States, as the case may be, would not be able to accomplish substantially the objectives of the special activity without such support, and if the President promptly notifies the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such support.

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RESTRICTIONS ON THE USE OF CERTAIN  
CATEGORIES OF INDIVIDUALS FOR CERTAIN  
INTELLIGENCE ACTIVITIES

Sec. 132. (a) No entity of the Intelligence Community

ay--

(1) pay or provide other valuable consideration to  
any individual following a full-time religious vocation to--

(A) engage in any intelligence activity for or  
on behalf of the United States, or

(B) provide any intelligence information to  
any department or agency;

(2) pay or provide other valuable consideration to  
any individual whose travel to a foreign country is  
sponsored and supported by the United States as part of a  
United States government program designed to promote  
education or the arts, humanities, or cultural affairs to--

(A) engage in any intelligence activity for or  
on behalf of the United States while such individual  
is--

(i) participating in any such program,  
and

(ii) traveling or temporarily residing in  
any foreign country;

(B) provide any intelligence information  
acquired while such individual was--

(i) participating in any such program,  
and

(ii) traveling or temporarily residing in  
any foreign country;

(3) pay or provide other valuable consideration to  
any individual to engage in any intelligence activity for or  
on behalf of the United States or provide any intelligence  
information to any department or agency if such individual--

(A) is a journalist accredited to any United  
States media organization,

(B) regularly contributes material relating to politics, economics, international affairs, military, or scientific matters to any United States media organization,

(C) is regularly involved in the editing of material for any United States media organization, or

(D) acts to set policy for, or provide direction to, any United States media organization;

(4) pay for or otherwise knowingly or intentionally support the distribution within the United States of any book, magazine, article, publication, film, or video or audio tape, unless such support is publicly announced;

(5) pay for or otherwise knowingly or intentionally support the distribution in any foreign country of any book, magazine, article, publication, film, or video or audio tape if the purpose of the distribution in such foreign country is, or if the likely result of such distribution would be the substantial redistribution of such book, magazine, article, publication, film, or video or audio tape, as the case may be, within the United States unless such support is publicly announced;

(6) use, for the purpose of establishing, furnishing, or maintaining cover for any officer, employee, or agent of such entity, an affiliation, real or ostensible, with any U.S. religious organization, United States media organization, United States academic institution, the Peace Corps, or any United States government program designed to promote education, the arts, humanities, or cultural affairs through international exchanges.

\*  
(b) No entity of the Intelligence Community may use as a source of operational assistance in any clandestine intelligence activity in any foreign country, any individual--

(1) who is following a full-time religious vocation;

(2) whose travel to such country is sponsored and supported by the United States as a part of a United States government program designed to promote education or the arts, humanities, or cultural affairs, while such individual is--

(A) participating in any such program, and

(B) traveling or temporarily residing in such foreign country;

(3) who--

(A) is a journalist accredited to any United States media organization,

(B) regularly contributes material relating to politics, economics, international affairs, military, or scientific matters to a United States media organization,

(C) is regularly involved in the editing of material for any United States media organization, or

(D) acts to set policy for, or provide direction to, any United States media organization;

(4) is a permanent resident alien who has applied for United States citizenship, unless the head of the entity which proposes to use such alien for such purpose makes a written finding that the use of such alien for such purpose is necessary to an authorized intelligence activity of that entity; or

\* paragraph (b) is a new addition to Title I; it is derived from earlier provisions in Title II.

(5) is a United States person whose travel to such country is sponsored and supported by a United States academic institution unless the appropriate senior officials of such institution are notified that such person is being used for such purpose.

\* (c) No entity of the Intelligence Community may use any United States person to provide operational assistance in the conduct of any clandestine intelligence activity unless such person is informed of the nature of such assistance and of any reasonably anticipated risks to physical safety that such assistance may pose and such person voluntarily consents to provide such assistance.

(d) The Director shall formulate regulations necessary to carry out the provisions of this section and submit such proposed regulations to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and no such regulation, or amendment thereto, shall become effective until 60 days after the date on which such regulation or amendment, as the case may be, has been submitted to such committees.

*(deletes: "open and")*

(e) Nothing in this section shall be construed to prohibit voluntary contacts between any person referred to in subsection (a) and entities of the Intelligence Community.

\* (f) Nothing in this Act shall be construed to prohibit any person described in subsection (a) or (b) from recommending or assisting in the recruitment of (1) employees for any entity of the Intelligence Community, (2) sources of information for any such entity, or (3) sources of operational assistance for any such entity.

\* paragraph (c) is a new addition to Title I, also; it is derived from earlier provisions in Title II.

\* ditto for paragraph (f)

RESTRICTIONS ON THE USE OF UNITED STATES PERSONS AS COMBATANTS  
IN FOREIGN COUNTRIES

*("United States person" vice "citizen or permanent resident alien")*

Sec. 133. (a) No United States person <sup>^</sup>acting for, or on behalf of any entity of the Intelligence Community, who is not a member of the armed forces of the United States serving on active duty, may be assigned by any entity of the Intelligence Community as a combatant in any foreign country, except pursuant to a declaration of war by the Congress, or unless--

(1) the proposed assignment has been approved in accordance with the provisions for approval of special activities set forth in section 131 of this title; and  
*(specified committees vice "appropriate committees")*

(2) the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate have been notified at least 72 hours in advance of the proposed assignment and informed of the circumstances necessitating the assignment, the constitutional and legislative authority under which the assignment will take place, and the estimated scope and duration of the assignment; except that in extraordinary circumstances the President may authorize such assignment without such prior notification of such committees if the President notifies such committees no later than 48 hours after the assignment has been made, <sup>*(reworded language)*</sup> describes in writing the nature of the situation that precluded notification to the committees 72 hours in advance of the proposed assignment, and informs the committees of the circumstances necessitating the assignment, the constitutional and legislative authority under which the assignment took place, and the estimated scope and duration of the assignment. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to making any such assignment.

(b) The President shall discontinue the assignment of any United States person described in subsection (a) not later than



(vice "90 days")

60 days after the committees of the Congress named in sub-  
<sup>^</sup>section (a)(2) have been notified of such assignment unless  
 Congress has declared war or the continued assignment of such  
 United States person as a combatant has been specifically  
 authorized by law. Such 60-day period may be extended for not  
more than an additional 30 days if the President determines and  
certifies in writing to the committees of Congress named  
in subsection (a)(2) that unavoidable necessity requires the  
temporary continued assignment of such combatants in such  
foreign country solely for the purpose of ensuring their prompt  
and safe removal from such country.

(c) No member of the armed forces of the United States  
serving on active duty who is assigned to duty with, or other-  
wise subject to the direction or supervision of, any entity  
of the Intelligence Community may be assigned by any entity  
of the Intelligence Community to any duty as a combatant except  
pursuant to this section, or during a war declared by the Congress  
or during any period beginning on the day on which armed forces  
are introduced into a situation which requires a reporting of  
the President to the Congress under the War Powers Resolution  
(87 Stat. 555) and ending on the last day such forces are  
authorized to be in such situation (as provided in the War  
Powers Resolution).

(d) As used in this section, the term "combatant" means  
an individual who is introduced into hostilities in a foreign  
country or who is introduced into a situation in a foreign  
country where imminent involvement in hostilities is clearly  
indicated by circumstances. The term "combatant" does not  
include military or technical advisors who do not participate  
directly in hostilities. \*

*\* previous definition: "...an individual who engages  
 in armed conflict with a hostile force."*

## PROHIBITION ON ASSASSINATION

Sec. 134. (a) Title 18, United States Code, is amended by--

(1) redesignating chapter 85 (relating to prison-made goods) as chapter 86;

(2) redesignating section numbers 1761 and 1762 in the table of sections at the beginning of chapter 85 as section numbers 1771 and 1772, respectively;

(3) redesignating sections 1761 and 1762 as sections 1771 and 1772, respectively;

(4) amending the table of chapters in part I of such title by striking out

"85. Prison-made goods \_\_\_\_\_ 1751"

and inserting in lieu thereof

"85. Assassination of foreign officials \_\_\_\_ 1751

"86. Prison-made goods \_\_\_\_\_ 1771";

and

(5) inserting after chapter 84 a new chapter as follows:

"Chapter 85--Assassination of Foreign Officials

"Sec. "1751. ASSASSINATION OF FOREIGN OFFICIALS

(a) Whoever, while within the United States or the special maritime and territorial jurisdiction of the United States, conspires with any other person to kill any foreign official because of such OFFICIAL'S OFFICE OR POSITION OR BECAUSE OF SUCH official's political views, actions, or statements while such official is outside the United States and such jurisdiction, and one or more such persons do any overt act within the United States or such jurisdiction to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or for life.

(b) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, conspires with any other person or persons to kill any foreign official, because of such official's OFFICE OR POSITION, OR BECAUSE OF SUCH OFFICIAL'S political views, actions, or statements, while such official is outside the

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officers, employees, or other persons do any overt act to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or life.

(c) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, attempts to kill any foreign official, because of such official's OFFICE OR POSITION, OR BECAUSE OF SUCH OFFICIAL'S political views, actions, or statements, while such official is outside the United States and such jurisdiction, shall be punished by imprisonment for any term of years or life.

(d) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, kills any foreign official, because of such official's OFFICE OR POSITION, OR BECAUSE OF SUCH OFFICIAL'S political views, actions, or statements, while such official is outside the United States and such jurisdiction, shall be punished by imprisonment for any term of years or life, except that any such officer or employee who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

(e) The provisions of subsections (a) through (d) of this section shall not apply in the case of any conspiracy, attempt, or killing described in such subsections if such conspiracy, attempt, or killing was committed (1) during any period of war declared by the Congress against another country or during any period when members of the armed forces of the United States were introduced into hostilities against another country under circumstances which required a reporting by the President to the Congress under the provisions of the War Powers Resolution (but the exemption from such subsection shall not continue after the last day such forces are authorized to be in such country as provided in the War Powers Resolution), (2) against an official of such country, and (3) at the direction of an official of the United States acting in THAT OFFICIAL'S capacity as an official of the United States.

(f) As used in this section, the term--

(1) "officer or employee of the United States" means any officer or employee, whether elected or appointed, in the executive, legislative, or judicial branch of the Government of the United States (including the District of Columbia) and its territories and possessions, and includes any officer or member of the armed forces;

(2) "foreign official" means a Chief of State or the political equivalent, President, Vice President, Prime Minister, Premier, Foreign Minister, Ambassador, or other officer, employee, or agent of (A) a foreign government; (B) a foreign political group, party, military force, movement, or other association; or (C) an international organization;

(3) "foreign government" means the government of a foreign country, irrespective of official diplomatic recognition by the United States;

(4) "international organization" means a public international organization designated as such pursuant to section 1 of the International Organizations Immunity Act (22 U.S.C. 228); and

## PROHIBITIONS AGAINST PARTICULAR FORMS OF SPECIAL ACTIVITIES

Sec. 135. (a) No special activity may be initiated or continued which has as its objective or is likely to result in--

- (1) the support of international terrorist activities;
- (2) the mass destruction of property;
- (3) the creation of food or water shortages or floods;
- (4) the creation of epidemics of diseases;
- (5) the use of chemical, biological, or radiological weapons or techniques in violation of treaties or other international agreements to which the United States is a party;
- (6) the violent overthrow of the democratic government of any country;
- (7) the torture of individuals;
- (8) The support of any action of the police, foreign intelligence, or internal security forces of any foreign country the conduct of which violates human rights.

(b) The Director shall formulate regulations necessary to carry out the provisions of this section and submit such proposed regulations to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and no such regulation, or amendment thereto, shall become effective until 60 days after the date on which such regulation or amendment, as the case may be, has been submitted to such committees.

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PRESIDENTIAL WAIVER OF THE APPLICATION  
OF CERTAIN RESTRICTIONS AND PROHIBITIONS  
IN TIME OF WAR

Sec. 136. To be inserted.

## CONFLICTS OF INTEREST

Sec. 138. (a) The officers and employees of each entity of the Intelligence Community shall be subject to all laws, executive orders, regulations, and directives relating to conflicts of interest and the misuse of information obtained in the course of their official duties. the Director of National Intelligence shall issue regulations necessary to implement such laws, executive orders, regulations, and directives after consultation with and subject to the policy guidance of the Attorney General. The Director, or the head of any entity of the Intelligence Community with respect to any officer or employee of such entity, is authorized to waive the application of any operative provision of any such law, executive order, regulation, or directive when the Director of National Intelligence or the head of the entity, as the case may be, deems such action necessary because of the unique function and mission of any officer or employee, but such waiver may be granted in any case only with the written approval of the Attorney General and only after notification of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that such waiver is to be made and the reasons therefor.

(b) In any case in which the Director of National Intelligence or the head of any entity of the Intelligence Community waives any law, executive order, regulation, or directive, under the authority of subsection (a) relating to the filing and public disclosure of financial or other information regarding officers and employees of the United States, any officer or employee on whose behalf such waiver is exercised shall be required to file with the general counsel of the entity concerned the same information such officer or employee would otherwise have had to file, but such information shall not be subject to the Freedom of Information Act or other public disclosure requirements.

RESTRICTIONS ON CONTRACTING \*

Sec. 139. No entity of the Intelligence Community may enter into any contract or arrangement for the provision of goods or services with any private company or institution in the United States unless the entity sponsorship is known to appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, entity sponsorship may be concealed if it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for intelligence purposes authorized by this Act.

*\* New provision in Title I; derived from old provision in Title II and the E.O.*



ILLEGIB

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